

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**LINDSAY FORD, LLC**

11250 Veirs Mill Road  
Wheaton, MD 20902,

Plaintiff,

vs.

**LEXINGTON INSURANCE COMPANY,**

100 Summer Street  
Boston, MA 02110,

Defendant.

Case No.: 8:20-CV-00239

Removed from the Circuit Court of Maryland  
for Montgomery County, Case No. 475663-V

---

**NOTICE OF REMOVAL**

Defendant, Lexington Insurance Company (“LIC”) by and through its counsel James D. Skeen, Terry L. Goddard Jr., and Skeen & Kauffman LLP, pursuant to 28 U.S.C. §§1332, 1441, and 1446, hereby removes the above captioned action from the Circuit Court of Maryland for Montgomery County (the “State Court”) to the United States District Court for the District of Maryland, and alleges as follows:

**I. THE STATE COURT ACTION**

1. On November 20, 2019, Plaintiff, Lindsay Ford, LLC (“Lindsay”) commenced this action against LIC by filing its Complaint in the State Court, which is captioned Lindsay Ford, LLC vs. Lexington Insurance Company, Case No. 475663-V (the “State Action”). The Complaint is attached as Exhibit 1.

2. This action is a civil suit in which Lindsay has asserted claims for declaratory relief and breach of contract.

3. On January 7, 2020, LIC, through the Maryland Insurance Administration pursuant to Md. Ann. Code, Ins. Art., §4-107, received a copy of the Complaint, which is the initial pleading setting forth the claim for relief upon which this action is based.

## **II. THIS COURT'S SUBJECT MATTER JURISDICTION**

4. "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between-citizens of different States." 28 U.S.C. §1332(a)(1).

5. This action satisfies the complete-diversity-of-citizenship requirement of 28 U.S.C. §1332(a)(1) because Plaintiff and Defendant are citizens of different states. Because both Plaintiff and Defendant are corporations, they are citizens of the state where they are incorporated and the state where they maintain their principal places of business. 28 U.S.C. §1332(c)(1); *Central West Virginia Energy Co., Inc. v. Mountain State Carbon, LLC*, 636 F.3d 101, 102 (4th Cir. 2011). Plaintiff is incorporated in the State of Maryland, and its principal place of business is located at 11250 Veirs Mill Road, Wheaton, Maryland 20902. For purposes of diversity, Plaintiff is therefore a citizen of Maryland.

6. Defendant is incorporated in the State of Delaware and has its principal place of business located at 99 High Street, Floor 24, Boston, MA 02110. For purposes of diversity, Defendant is thus a citizen of Delaware and Massachusetts.

7. Because Plaintiff, a citizen of Maryland, and Defendant, a citizen of Delaware and Massachusetts, are citizens of different states, complete diversity exists.

8. The matter in controversy exceeds \$75,000, exclusive of interest and costs. In each cause of its two causes of action, Plaintiff requests damages in excess of \$75,000. *See, e.g.*, Exhibit 1, ¶¶ 65 & 80.

### **III. REMOVAL JURISDICTION**

9. This action is properly removed pursuant to 28 U.S.C. §§1441 & 1446.

10. Under 28 U.S.C. §1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

11. Plaintiff filed this action in the Circuit Court of Maryland for Montgomery County. The United States District Court for the District of Maryland is the judicial district embracing Montgomery County, Maryland, the place where the State Action was brought, and, therefore, is the proper district court to which this case should be removed. 28 U.S.C. §§ 1441(a) & 1446(a).

12. 28 U.S.C. §1441(b) provides that an "action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which the action is brought." Defendant is not a citizen of Maryland.

13. Pursuant to 28 U.S.C. §1446(a), Defendant is simultaneously filing with this Notice of Removal copies of "all process, pleadings, and orders served" on Defendant in this action, which is the Complaint and the attendant Montgomery County Maryland orders. Exhibit 1.

14. Pursuant to 28 U.S.C. §1446(b)(1), Defendant has filed this Notice of Removal within 30 days of receiving the Complaint in this matter. Defendant received the Complaint on January 7, 2020. It is filing this Notice of Removal 20 days later on January 27, 2020.

15. Pursuant to 28 U.S.C. §1446(d), on January 27, 2020 a Notice of Filing of Notice of Removal was served on Plaintiff and filed with the State Court's Civil Clerk's Office. Exhibit 2.

16. In filing this Notice of Removal, Defendant denies that Plaintiff has stated a claim for which relief may be granted and denies that Plaintiff has been damaged in any manner.

Defendant does not waive, and specifically reserves, any and all objections as to service, personal jurisdiction, venue, defenses, exceptions, rights, and motions.

**WHEREFORE**, Defendant Lexington Insurance Company respectfully requests that the above-captioned action pending before the Circuit Court of Maryland for Montgomery County be removed to the United States District Court for the District of Maryland.

Respectfully submitted this 27<sup>th</sup> day of January, 2020.

/s/ James D. Skeen

James D. Skeen (Trial Bar No.: 00010)

Terry L. Goddard Jr. (Trial Bar No.: 15460)

SKEEN & KAUFFMAN LLP

1311 Cox Street

Baltimore, MD 21211

Phone: (410) 625-2252

Fax: (410) 625-2292

jskeen@skaufflaw.com

tgoddard@skaufflaw.com

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of January, 2020, I have caused a copy of the foregoing to be mailed to the individuals and/or entitles listed below by United States Postal

Service First-Class Mail postage pre-paid as follows:

Rosalyn Tang  
Matthew M. May  
Miles & Stockbridge P.C.  
11 North Washington Street, Suite 700  
Rockville, MD 20850

Attorneys for Plaintiff

Alexander P. Creticos  
Miles & Stockbridge P.C.  
100 Light Street  
Baltimore, MD 21202

Attorneys for Plaintiff

/s/ Terry L. Goddard Jr.  
Terry L. Goddard Jr.